

# UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America  
v.

James Thomas Gaddy

) Cas  
) e  
) No: 3:03CR109-03  
) US  
) M  
) No: 17849-058  
Aaron E. Michel  
Defendant's Attorney

Date of Previous Judgment: 11/01/2005  
(Use Date of Last Amended Judgment if Applicable)

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 144 months **is reduced to** time served plus 10 days.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>33</u>	Amended Offense Level: <u>31</u>
Criminal History Category: <u>VI</u>	Criminal History Category: <u>VI</u>
Previous Guideline Range: <u>235</u> to <u>293</u> months	Amended Guideline Range: <u>188</u> to <u>235</u> months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):


### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 11/01/2005 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: July 30, 2008

Effective Date: \_\_\_\_\_  
(if different from order date)

  
Graham C. Mullen  
United States District Judge



